

REMARKS

Claims 2-9 are pending in the application. Claims 8 and 9 are now amended.

Claims 2-9 have been rejected on the ground of non-statutory double patenting based on Claims 1-6 of U.S. Pat. No. 6,089,863. Accordingly, a terminal disclaimer is being filed herewith to overcome the non-statutory double patenting rejection.

Claim 9 has been rejected under 35 USC 102(b) as being anticipated by Farrell (U.S. Pat. No. 5,007,829). The rejection is respectfully traversed.

In the rejection of Claim 9, the Examiner indicates that Farrell "shows a mold 50 that, as shown, has rear and side walls with upper edges that form a cavity, the rear wall 55 has a recess 54 therein." Farrell discloses element 54 as being an aperture for receiving joining members 22 or 31. (Farrell, column 5, lines 32-38.)

In contrast, amended Claim 9 is directed to a mold that includes a rear wall having a recess extending horizontally along a portion of the rear wall. Farrell does not teach or suggest "a rear wall having a recess extending horizontally along a portion of the rear wall for forming a pivot mechanism at the dental model base" as recited in amended Claim 9. Support for the amendment to Claim 9 is found at least at page 13, lines 13-14 in the specification.

Claim 8 has been rejected under 35 USC 103(a) as being unpatentable over Westdyk (U.S. Pat. No. 5,360,337). The rejection is respectfully traversed.

In the rejection of Claim 8, the Examiner indicates that Westdyk "shows . . . a shaping element 16 with a spherical head 58 for forming in a dental model base a matching spherical connection element for a pivot mechanism which rotationally mates with a corresponding connection element of the articulator. The shaping element 16 is shown as being integrally attached to the wall."

As is clear from the Westdyk disclosure, the connecting member 16 is not part of the mold 18 disclosed therein. Rather, the connecting member 16 of Westdyk either is part of the articulator which in use becomes embedded in a dental cast or base formed by mold 18, or is part of the dental cast or base.

In contrast, the invention of amended Claim 8 is directed to a mold that includes a rear wall having a convex portion. It is clear that Westdyk does not teach or suggest "a rear wall having a convex portion extending along a length of the rear wall and into the cavity for forming

a pivot mechanism at the dental model base" as recited in amended Claim 8. Support for the amendment to Claim 8 is found at least at page 12, lines 23-25 in the specification.

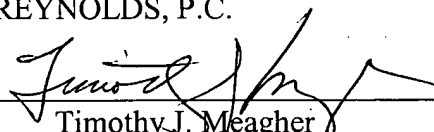
CONCLUSION

In view of the above amendments and remarks, it is believed that all pending claims (Claims 2-9) are in condition for allowance, and it is respectfully requested that the application be passed to issue. If the Examiner feels that a telephone conference would expedite prosecution of this case, the Examiner is invited to call the undersigned at (978) 341-0036.

Respectfully submitted,

HAMILTON, BROOK, SMITH
& REYNOLDS, P.C.

By


Timothy L. Meagher
Registration No. 39,302
Telephone: (978) 341-0036
Facsimile: (978) 341-0136

Concord, MA 01742-9133

Dated: 4/28/03

MARKED UP VERSION OF AMENDMENTSClaim Amendments Under 37 C.F.R. § 1.121(c)(1)(ii)

8. (Amended) A mold for forming therein a dental model base useable with a dental articulator, the mold comprising:
- a bottom portion having a rear wall and a side wall at a periphery thereof extending upwards to define a cavity, the walls having upper edges defining an opening to the cavity₁; and
- an integral shaping element comprising] the rear wall having a convex portion extending along a length of the rear wall and into the cavity for forming a pivot mechanism at the dental model base.
9. (Amended) A mold for forming therein a dental model base useable with a dental articulator, the mold comprising a bottom portion having a rear wall and a side wall at a periphery thereof extending upwards to define a cavity, the walls having upper edges defining an opening to the cavity and the rear wall having a recess extending horizontally along a portion of the rear wall for forming a pivot mechanism at the dental model base.